



Office of the Attorney General  
State of Texas

June 15, 1993

DAN MORALES  
ATTORNEY GENERAL

Ms. Kari A. Hernandez  
Assistant City Attorney  
City of El Paso  
2 Civic Center Plaza  
El Paso, Texas 79901-1196

OR93-325

Dear Ms. Hernandez:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 19716.

The City of El Paso (the "city") has received two requests for certain city police department records. Specifically, the requestors seek copies of a report involving an incident of alleged injury to a child. You have submitted the requested information to us for review and claim that it is excepted from required public disclosure by section 3(a)(1) of the Open Records Act.

Section 3(a)(1) excepts from required public disclosure "information deemed confidential by law, either Constitutional, statutory, or by judicial decision." You contend that the requested information is made confidential by section 34.08(a) of the Family Code. For purposes of this determination, then, we assume that the requested information was used or developed in an investigation made under chapter 34 of the Family Code. Section 34.08(a) of the Family Code provides:

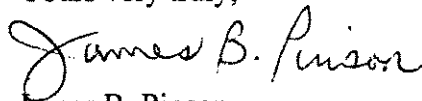
Except as provided in Subsections (b) and (c) of this section, the reports, records, and working papers used or developed in an investigation made under this chapter are confidential and may be disclosed only for purposes consistent with the purposes of this code under regulations adopted by the investigating agency.

Subsections (b) and (c) of this section provide for review of such information by an adoptive parent of a child and by an adult who as a child was the subject of a child abuse investigation, and are thus not applicable here. As you do not indicate whether the city has promulgated any regulations under section 34.08 providing for the dissemination of reports involving child abuse to the general public, and as we are unaware of any such provisions, we presume that none exist. Thus, to the extent that the records requested

here include "reports, records, and working papers used or developed in an investigation" under chapter 34 of the Family Code, section 34.08(a) makes such information confidential. *See* Open Records Decision Nos. 587 (1991) (availability of chapter 34 investigation records when contained in Department of Human Services licensing files); 440 (1986) (availability of chapter 34 investigation records when contained in city police department's investigation files). Accordingly, we agree that the requested information is excepted from required public disclosure by section 3(a)(1) of the Open Records Act.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please contact this office.

Yours very truly,



James B. Pinson  
Assistant Attorney General  
Opinion Committee

JBP/GCK/jmn

Ref.: ID# 19716  
ID# 20113  
ID# 20262  
ID# 20303

Enclosures: submitted documents

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